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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,867	02/12/2004	David P. Sperling	100650.53067US	6105
23911 7590 02/28/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER STACE, BRENT S	
			ART UNIT	PAPER NUMBER
			2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/777,867

Applicant(s)

SPERLING ET AL.

Examiner

Brent S. Stace

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-20 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 21-26 and 30-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. Claims 8-20 and 27-29 have been examined. Claims 8-20 and 27-29 have been rejected. Claims 1-7, 21-26, and 30-33 have been withdrawn from consideration as being directed toward a non-elected invention. This document is the first Office action on the merits.

Election/Restriction

2. Claims 1-7, 21-26, and 30-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/12/2006.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 1, detail 28 and Fig. 3A, detail 64. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Objections

4. Claim 27 is objected to because of the following informality:
 - a. Claim 27 recites merely an intended use of the executable instructions.
Mere intended use in the preamble carries little patentable weight. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 8-20 are directed to a system for reconciling data in a plurality of databases. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real

world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for a system that has no hardware for the system to be realized. As such, the system appears to be directed at software per se which is functional descriptive material per se that is non-statutory subject matter.

This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

7. Additionally, Claim 18 includes a wireless link as a communication link. Wireless communication is merely a form of energy that is non-statutory and not patentable subject matter.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 8-20 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 8 recites the limitation "records" in line 4. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 11 recites the limitation "the interactive manipulations" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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12. Claim 12 recites the limitation "the interactive manipulations" in line 1. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 27 recites the limitation "the program" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 27 recites the limitation "the displayed graphical representations" in line 7. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 27 recites the limitation " the interactive manipulations " in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 8, 10-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,131,096 (Ng et al.).

Claim 8 can be mapped to Ng as follows: "A system for reconciling data in a plurality of databases, [Ng, col. 7, lines 16-25 with Ng, col. 10, lines 19-23] comprising:

- a user interface adapted to provide a unique graphical representation of a record from each of the plurality of databases and to allow for interactive manipulation of

the database records through the graphical representation" [Ng col. 5, lines 27-31 with Ng col. 6, lines 11-21].

Claim 10 can be mapped to Ng as follows: "The system of claim 8 further comprising a communications link to each of the plurality of databases and wherein the user interface is adapted to retrieve a record from each of the plurality of databases through its corresponding communications link" [Ng, col. 3, lines 51-64 with Ng, col. 10, lines 19-23].

Claim 11 can be mapped to Ng as follows: "The system of claim 8 wherein the interactive manipulations include copying a record from a first database to a second database" [Ng, col. 8, lines 20-23 with Ng, col. 8, lines 31-39].

Claim 12 can be mapped to Ng as follows: "The system of claim 8 wherein the interactive manipulations further include deleting a record from at least one database" [Ng, col. 8, lines 20-23 with Ng, col. 8, lines 31-39].

Claim 13 can be mapped to Ng as follows: "The system of claim 8 further comprising a temporary database table identifying a record found in more than one of the plurality of databases" [Ng, col. 6, lines 17-28].

Claim 14 can be mapped to Ng as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a portable device" [Ng, col. 1, lines 57-62 with Ng, col. 3, lines 55-60].

Claim 16 can be mapped to Ng as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a personal computer" [Ng, col. 1, lines 57-62 with Ng, col. 3, lines 55-60].

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Claim 17 can be mapped to Ng as follows: "The system of claim 10 wherein at least one communications link includes an API" [Ng, col. 6, lines 5-15 with Ng, col. 3, lines 64-67].

Claim 18 can be mapped to Ng as follows: "The system of claim 10 wherein at least one communications link includes a wireless link" [Ng, col. 10, lines 25-29].

Claim 19 can be mapped to Ng as follows: "The system of claim 10 wherein at least one communications link includes the Internet" [Ng, col. 3, lines 64-67].

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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20. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,096 (Ng et al.) in view of U.S. Patent Application Publication No. 2004/0133544 (Kiessig et al.).

- For **Claim 9**, Ng teaches: "The system of claim 8 wherein the graphical representation includes."

Ng discloses the above limitation but does not expressly teach: "...a visually distinctive graphical scheme for each of the plurality of databases, and a visually distinctive graphical scheme for each unique combination of the plurality of databases;

- wherein a record found in a single database is displayed using the single database's corresponding graphical scheme; and
- wherein a matching pair of records found in more than one database is displayed as a single record using the graphical scheme corresponding to the combination of databases."

With respect to Claim 9, an analogous art, Kiessig, teaches: "...a visually distinctive graphical scheme for each of the plurality of databases, [Kiessig paragraphs [0066] and [0070] with Ng col. 4, lines 16-20 with Ng, col. 5, lines 26-31 with Ng, col. 6, lines 6-16] and a visually distinctive graphical scheme for each unique combination of the plurality of databases; [Kiessig paragraphs [0066] and [0070] with Ng col. 4, lines 16-20 with Ng, col. 5, lines 26-31 with Ng, col. 6, lines 6-16]

- wherein a record found in a single database is displayed using the single database's corresponding graphical scheme; [Kiessig paragraphs [0066] and

[0070] with Ng col. 4, lines 16-20 with Ng, col. 5, lines 26-31 with Ng, col. 6, lines 6-16] and

- wherein a matching pair of records found in more than one database is displayed as a single record using the graphical scheme corresponding to the combination of databases” [Kiessig paragraphs [0066] and [0070] with Ng col. 4, lines 16-20 with Ng, col. 5, lines 26-31 with Ng, col. 6, lines 6-16].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Kiessig and Ng before him/her to combine Kiessig with Ng because both inventions are directed towards synchronizing data.

Kiessig's invention would have been expected to successfully work well with Ng's invention because both inventions use a database to aid or a database for providing data for synchronization. Ng discloses a system and method for updating a remote database in a network comprising a user interface for synchronizing databases. However, Ng does not expressly disclose all of the elements of the limitations above. Kiessig discloses a system and method for managing content with event driven actions to facilitate workflow and other features comprising more user interface aspects.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Kiessig and Ng before him/her to take the user interface aspects from Ng and install it into the invention of Ng, thereby offering the obvious advantage of the user easily being able to determine the differences/changes in the records between the databases and determine what course of action to take to resolve a conflict and reconcile the databases.

21. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,096 (Ng et al.) in view of U.S. Patent No. 5,666,553 (Crozier).

For **Claim 15**, Ng teaches: "The system of claim 8."

Ng discloses the above limitation but does not expressly teach:

- "...wherein at least two of the databases have different record structures."

With respect to Claim 15, an analogous art, Crozier, teaches:

- "...wherein at least two of the databases have different record structures"

[Crozier, col. 5, lines 1-18].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Ng before him/her to combine Crozier with Ng because both inventions are directed towards synchronizing data.

Crozier's invention would have been expected to successfully work well with Ng's invention because both inventions use databases to aid or databases for providing data for synchronization. Ng discloses a system and method for updating a remote database in a network comprising synchronizing databases. However, Ng does not expressly disclose that the databases have different record structures. Crozier discloses a method for mapping, translating, and dynamically reconciling data between disparate computer platforms comprising databases having different record structures.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Ng before him/her to take the databases having different record structures from Crozier and install it into the invention of Ng,

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thereby offering the obvious advantage of still being able to synchronize data even if the structure of the data is different making reconciling/synchronizing more easier.

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,096 (Ng et al.) in view of U.S. Patent No. 6,405,218 (Boothby).

For **Claim 20**, Ng teaches: "The system of claim 10 wherein at least one communications link includes...and device specific APIs" [Ng, col. 10, lines 22-27].

Ng discloses the above limitations but does not expressly teach: "a serial connection."

With respect to Claim 20, an analogous art, Boothby, teaches: "a serial connection" [Boothby, col. 5, lines 35-40].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Boothby and Ng before him/her to combine Boothby with Ng because both inventions are directed towards synchronizing data.

Boothby's invention would have been expected to successfully work well with Ng's invention because both inventions use databases to aid or databases for providing data for synchronization. Ng discloses a system and method for updating a remote database in a network comprising synchronizing databases over data transfer links/communication links. However, Ng does not expressly disclose that the communication links can be serial connections. Boothby discloses synchronizing databases comprising data transfer links that may be a serial infrared link or serial cable.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Boothby and Ng before him/her to take the serial connections from Boothby and install it into the invention of Ng, thereby offering the obvious advantage of having multiple ways to synchronize data that is appropriate for the device connecting for synchronization.

23. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,141,664 (Boothby) in view of U.S. Patent No. 6,131,096 (Ng et al.).

For **Claim 27**, Boothby teaches: "A computer-readable medium storing executable instructions [Boothby, col. 2, lines 40-45 with Boothby, col. 2, lines 56-63] for use in managing a plurality of calendar databases, [Boothby, col. 9, lines 34-40] the program comprising:

- ...the subset of records spanning a date range" [Boothby, col. 2, lines 25-39].

Boothby discloses the above limitations but does not expressly teach:

- "...an interface to each of the plurality of databases adapted to obtain a subset of records from each of the plurality of databases,
- ...a user interface adapted to display a graphical representation of the obtained records, allow for interactive manipulation of the displayed graphical representations, and perform at least one database operation on at least one of the plurality of databases in response to the interactive manipulations."

With respect to Claim 27, an analogous art, Ng, teaches:

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- "...an interface to each of the plurality of databases adapted to obtain a subset of records from each of the plurality of databases, [Ng, col. 6, lines 5-20 with Ng, col. 5, lines 26-31 with Ng, col. 4, lines 15-20]
- ...a user interface adapted to display a graphical representation of the obtained records, allow for interactive manipulation of the displayed graphical representations, and perform at least one database operation on at least one of the plurality of databases in response to the interactive manipulations" [Ng, col. 6, lines 5-20 with Ng, col. 5, lines 26-31 with Ng, col. 4, lines 15-20].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Ng and Boothby before him/her to combine Ng with Boothby because both inventions are directed towards synchronizing data.

Ng's invention would have been expected to successfully work well with Boothby's invention because both inventions use databases. Boothby discloses the synchronization of databases with a date range comprising calendar data, appointments, and date ranges. However, Boothby does not expressly disclose a user interface for database records. Ng discloses a system and method for updating a remote database in a network comprising a user interface for selecting, analyzing, and synchronizing records of databases.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Ng and Boothby before him/her to take the user interface from Ng and install it into the invention of Boothby, thereby offering the

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obvious advantage of the user easily being able to select, analyze, and synchronize records of databases.

Claim 28 can be mapped to Boothby (as modified by Ng) as follows: "The computer-readable medium of claim 27 wherein the user interface is adapted for synchronizing the plurality of calendar databases" [Boothby, col. 1, lines 1-3].

Claim 29 can be mapped to Boothby (as modified by Ng) as follows: "The computer-readable medium of claim 28 wherein the databases are reconciled without using an intermediate file" [Ng, col. 8, lines 32-41].

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Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace *b.s.*

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